



King County

Date request form received from employee

## Protected Family and Medical Leave Response Form

Read all instructions before completing this form.

King County must provide notice of eligibility **within five business days**, absent extenuating circumstances, to respond to an employee's leave request. One copy is provided to the employee and one is provided to the department human resources contact or designee. If leave has already begun, mail a copy to the employee's home address. If leave is denied, complete the entire first page and return to employee.

### Employee requesting leave

Employee name \_\_\_\_\_ Employee ID \_\_\_\_\_

### Leave request type and response – check all that apply

If leave is for a family member, enter name and relationship of family member: \_\_\_\_\_

FMLA/WFLA leave – Paid or unpaid leave	Serious health condition of: <input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> In loco parentis <input type="checkbox"/> Child <input type="checkbox"/> Military service member <input type="checkbox"/> Parent of employee <input type="checkbox"/> Washington state registered domestic partner (WFLA only) <input type="checkbox"/> Washington state registered domestic partner child (WFLA only)  <input type="checkbox"/> Child bonding: birth of son/daughter, care for newborn, placement for adoption or foster care <input type="checkbox"/> Employee workers' compensation injury/illness Claim No. _____ <input type="checkbox"/> Qualifying exigency leave associated with call to active duty
KCFML leave – Unpaid leave only*  (*including donated leave)	Serious health condition of: <input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> In loco parentis <input type="checkbox"/> Domestic partner <input type="checkbox"/> Child of employee, spouse or domestic partner <input type="checkbox"/> Parent of employee, spouse or domestic partner  <input type="checkbox"/> Child bonding: birth of son/daughter, care for newborn, placement for adoption or foster care <input type="checkbox"/> Employee workers' compensation injury/illness Claim No. _____
WFCA leave – Paid leave only	Serious/emergency health condition of employee's: <input type="checkbox"/> Child <input type="checkbox"/> Spouse <input type="checkbox"/> Grandparent <input type="checkbox"/> Parent or spouse's parent or an individual who stands or stood <i>in loco parentis</i> <input type="checkbox"/> WA state registered domestic partner <input type="checkbox"/> WA state registered domestic partner child <input type="checkbox"/> WA state registered domestic partner parent or an individual who stands or stood <i>in loco parentis</i>
Pregnancy, Childbirth and Pregnancy Related Conditions (PCPRC) – Paid or unpaid leave	<input type="checkbox"/> Female King County employee temporarily disabled because of a condition related to pregnancy or childbirth

☐ Approved ☐ Denied (fill in the information below when denying FMLA) because:  
☐ Employee has not worked 12 months or more for King County within the previous seven years, and/or  
☐ Numbers of hours actually worked for King County within last 12 months were insufficient: \_\_\_\_\_ hours  
☐ Non-qualifying medical condition

Reason for denial: \_\_\_\_\_

### Medical certification and documentation

Medical certification submitted on (date) \_\_\_\_\_ ☐ is sufficient ☐ is insufficient.

The employee must resubmit a Protected Family and Medical Leave Medical Certification form on the following dates:

☐ Medical certification not yet received; employee must provide medical certification by (date)\* \_\_\_\_\_

Documentation of newborn or adopted/foster child submitted ☐ is sufficient ☐ is insufficient.

\*If medical certification is not submitted as required, start of leave may be delayed (if employee is already absent from work, leave may not be treated as job-protected). Employee may be subject to recertification every 30 days in connection with an absence unless a minimum duration of the period of incapacity is specified in the original certification.

Employee name: \_\_\_\_\_

### Accruals and entitlements

Check one of the following two checkboxes:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your FMLA leave entitlements: ☐ Hours \_\_\_\_\_ ☐ Days \_\_\_\_\_ ☐ Weeks \_\_\_\_\_
- ☐ Because the leave you need will be unscheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA entitlement at this time.

As of (date) \_\_\_\_\_, you have the following hours of accrued and other paid leave:

\_\_\_\_\_ Vacation leave \_\_\_\_\_ Sick leave \_\_\_\_\_ Compensatory time \_\_\_\_\_ Other (describe) \_\_\_\_\_

In the 12 months before the leave start date indicated on the request form, you have used:

\_\_\_\_\_ FMLA hours within previous rolling calendar year ☐ \_\_\_\_\_ weeks remaining ☐ \_\_\_\_\_ hours remaining

\_\_\_\_\_ KCFML hours within previous rolling calendar year ☐ \_\_\_\_\_ weeks remaining ☐ \_\_\_\_\_ hours remaining

### Key dates

Employee's last day at work: \_\_\_\_\_

Date leave began: \_\_\_\_\_

Anticipated return-to-work date: \_\_\_\_\_

Actual protected leave end date: \_\_\_\_\_

Actual return-to-work date: \_\_\_\_\_

### Employee rights, responsibilities and notification

- Time away from work for qualified leave reasons will be designated and counted against available leave entitlements.
- The employee must provide a complete and sufficient medical certification for each leave reason. Failure to notify or provide medical certification/releases as required may affect employment status and right to return to work.
- The employee may use paid leave in accordance with King County Personnel Guidelines and/or collective bargaining agreement.
- King County uses the rolling 12-month calendar method to determine leave entitlements.
- While on approved protected family leave and during use of donated leave, the employee receives the same county-paid health (medical/dental/vision) and insurance (basic life/basic accidental death and dismemberment/basic long-term disability) benefits that the employee had when on active paid status immediately before the leave began.
- If the employee exhausts protected family leave benefits and remains on leave, the employee may choose to pay to continue health benefits under COBRA.
- If the employee enters an unpaid leave status, the employee may choose to pay to continue all of his/her basic and supplemental life, accidental death and dismemberment (AD&D) and long-term disability (LTD) insurance premiums; contact Benefits, Payroll and Retirement Operations at 206-684-1556 for more information.
- Employee checklist:
  - During leave:
    - ☐ Notify supervisor/department human resources contact or designee if and when circumstances of leave change.
    - ☐ Correctly code protected leave time on timesheets (if leave is intermittent).
    - ☐ Make payments to King County for all non-medical insurance (life, AD&D, LTD) once enter an unpaid status (optional).
    - ☐ Submit complete and sufficient medical certification forms as requested by King County.

Returning from leave:

- ☐ Notify supervisor/department human resources contact or designee at least two days before date intend to return to work, including return-to-work date. This is normally discussed many weeks before actual return-to-work date.
- ☐ Submit a written release from the health care provider before returning to work (own serious health condition).

### Employer authorization (supervisor / department human resources contact or designee)

I am authorized to approve protected family and medical leaves of absence. I will provide copies of this completed form to the employee and Benefits, Payroll and Retirement Operations and notify both if and when there are changes to the circumstances of the leave, including return-to-work status.

Signature: \_\_\_\_\_ Printed name: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Employee copy

☐ Department medical copy

☐ Department payroll copy

# Protected Leave Information for King County Employees

## Notice of FMLA/KCFML rights and obligations

King County complies with federal and state leave provisions as well as any changes to these laws as may occur through administrative interpretation, legislative enactment and controlling court decisions. Unless otherwise indicated, the information provided below is subject to such changes in the law and will be interpreted consistent with any such changes.

### FMLA/KCFML designation

Once leave is designated as FMLA/WFLA or KCFML, it may count against your FMLA/WFLA or KCFML leave entitlements. You are required to present a completed medical certification to substantiate your leave request. Failure to provide certification may result in denial of your FMLA/WFLA and KCFML entitlements and loss of protection benefits.

### Workers' compensation

Leave due to conditions covered by workers' compensation may also qualify as FMLA leave. If you are eligible to receive workers' compensation time-loss benefits while on FMLA, you must elect at the beginning of your FMLA leave whether to supplement these benefits with accrued sick leave and other paid accruals (vacation/benefit time/comp time). Your election must be in writing and must state the order in which you will apply your paid accruals after your sick leave is exhausted. Once made, your designation is final and cannot be changed. King County policy does not allow employees to stop and start paid leave for purposes of ensuring benefit coverage.

Your KCFML begins when you enter an unpaid status or begin to use donated leave. If you are receiving time-loss payments under workers' compensation and choose not to supplement your time-loss with sick leave and other paid accruals, you will be considered in an unpaid status and your KCFML will begin.

### Job protection and benefits

- Under federal and state leave laws, you may be restored to your original or equivalent position with equivalent pay, benefits, seniority and other employment terms upon return from protected leave; you do not lose any employment benefits that accrued before the start of your leave, and no adverse personnel actions may be taken against you for taking protected leave.
- These protections do not apply if your job is eliminated due to a *bona fide* workforce reduction or if you do not return to work by the expiration date of your leave. Failure to return by the expiration date may be cause for removal and may result in termination of your employment.
- When a leave converts to KCFML (concurrent with unpaid leave or use of donated hours), your benefit coverage continues. However, once you enter an unpaid status (and are not receiving donated leave), you will be responsible for all basic and supplemental life, accidental death and dismemberment (AD&D) and/or long-term disability (LTD) insurance premiums. Contact Benefits, Payroll and Retirement Operations at 206-684-1556 to learn more about this opportunity to continue coverage.
- PCPRC leave does not provide continuation of county-paid health and insurance benefits unless the employee elects to use paid leave accruals or elects to begin concurrent use of FMLA/WFLA or KCFML entitlements.

### Returning from leave

Upon returning from your leave, you may be required to provide a written medical release if the leave was taken due to your own serious health condition. Employees have a right to restoration to their own or equivalent position upon their return from FMLA/KCFML. If you do not return to work following your leave, you may be liable for the employer's share of health care insurance premiums [29 CFR 825.301 (B)(1)].

### Advance notice and medical certification

- For FMLA or KCFML, you must submit your leave request 30 calendar days before your leave begins (if the leave is foreseeable) or as soon as possible (if the leave is unforeseeable).
- To support a leave request, you must provide medical certification within 15 days of your first absence; King County may require second and third opinions at county expense if it deems them necessary.
- Chronic conditions require at least two visits per year to your health care provider to continue access to FMLA/WFLA entitlements. Recertification may be requested every six months.
- You must give the physician/health care provider a copy of your job description when requesting medical certification; your department contact can provide you with a copy of your job description.
- Steps for completing an incomplete medical certification:
  - Incomplete or insufficient medical certifications (i.e., vague, ambiguous, non-responsive) must be returned to the employee with written instructions explaining the necessary information required for a complete certification. The employee has seven days to correct the incomplete or insufficient areas.

- King County may thereafter contact the health care provider to clarify or authenticate the medical certification. The employee's direct supervisor may never communicate with the employee's health care provider.
- King County policy provides that only disability service representatives may communicate with an employee's health care provider.
- If your leave is due to your own serious health condition, you must submit a new medical certification before the prior certification expires or when requested by your department contact if you extend your leave.
- You must provide documentation (i.e., birth certificate, handwritten note from employee, etc.) to certify a leave of absence for the purpose of bonding with a newborn, adopted child or foster child.
- A release to full, partial or transitional duty is required before you return to work after your own serious health condition. If a release is not received, your return to work may be delayed.
- Anything other than a release to full duty must be reviewed and approved by your supervisor and/or department human resources contact or designee before you report back to work.
- If you need disability accommodation services to return to work or perform your job, you must notify your department contact and contact the King County Disability Services Office at 206-296-4997 (206-263-6026 or 206-236-3537 for Transit Division employees).

#### **Use of paid and donated leave**

- You must use all your sick leave for your own serious health condition unless the condition is due to an on-the-job injury; after you exhaust your sick leave, you may use vacation and other paid leave if approved. For use of other leave accruals, contact your department contact for information about its use.
- To care for an eligible family member with a serious health condition, you may use paid leave (sick, vacation, etc.) or unpaid leave. If you use sick leave, you may reserve up to 80 hours of this leave before you begin your paid leave, and when you have used all your sick leave except the reserved (up to 80) hours, you will begin using other leave (if approved) or go on unpaid status.
- Donated leave runs concurrently with KCFML and is not treated as paid leave because it is not *earned* leave. Therefore, you may be receiving pay, but you are not considered to be in a paid status when you are paid through donations.
- You must use all your own sick leave before using donated sick leave. You must use all your own vacation leave before using donated vacation leave.

#### **For additional information**

- Contact your department human resources office.
- Contact Benefits, Payroll and Retirement Operations at 206-684-1556 or [kc.benefits@kingcounty.gov](mailto:kc.benefits@kingcounty.gov).
- Federal Family and Medical Leave Act (FMLA) information can be found at <http://www.dol.gov/whd/fmla/index.htm>
- Washington Family Leave Act (WFLA) information can be found at <http://app.leg.wa.gov/rcw/default.aspx?cite=49.78>
- Washington Family Care Act (WFCA) information can be found at <http://apps.leg.wa.gov/WAC/default.aspx?cite=296-130>
- Pregnancy, Childbirth and Pregnancy Related Condition (PCPRC) information can be found at <http://apps.leg.wa.gov/WAC/default.aspx?cite=162-30-020>